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DEFENDANTS JONATHAN NICHOLAS and  
MARIE NICHOLAS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN NICHOLAS and MARIE  
NICHOLAS,

Plaintiffs,

vs.

THE EQUITABLE LIFE ASSURANCE  
SOCIETY OF THE UNITED STATES; AXA  
EQUITABLE LIFE INSURANCE  
COMPANY; THE EQUITABLE OF  
COLORADO, INC.; GOBIN CHATANI.

Defendants.

CASE NO.: C05-04398-CRB

STIPULATED DISMISSAL OF  
COMPLAINT AND COUNTERCLAIM  
FOR DECLARATORY RELIEF

[FRCP Rule 41(A)(1)(ii)]

Complaint Filed: 10/8/2005

AXA EQUITABLE LIFE INSURANCE  
COMPANY, AXA LIFE AND ANNUITY  
COMPANY

Counter-claimants,

vs.

JONATHAN NICHOLAS and MARIE  
NICHOLAS,

Counter-defendants.

1 ALL PARTIES to this action stipulate to dismiss JONATHAN NICHOLAS and MARIE  
2 NICHOLAS' complaint filed on October 8, 2005 and the Counterclaim for Declaratory relief filed  
3 by AXA EQUITABLE LIFE INSURANCE COMPANY and AXA LIFE AND ANNUITY  
4 COMPANY on January 17, 2006. This stipulated dismissal is being done without prejudice and  
5 with a mutual waiver of costs.  
6

7 RESPECTFULLY SUBMITTED,  
8

9 BARGER & WOLEN LLP

10 Dated: March 21, 2006  
11

12 By: /s/  
13 J. Russell Stedman  
14 William Lee  
15 Attorneys for Defendants  
16 AXA EQUITABLE LIFE INSURANCE  
17 COMPANY and AXA LIFE AND ANNUITY  
18 COMPANY

19 Dated: March 22, 2006  
20

21 ALBERT G. STOLL, JR.  
22 A LAW CORPORATION

23 By: /s/  
24 Albert G. Stoll, Jr.  
25 Attorneys for Plaintiffs  
26 JONATHAN NICHOLAS AND MARIE  
27 NICHOLAS  
28

March 24, 2006

